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LETTER DATED 16 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF RWANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you the dossier on the complaint concerning the aggression committed by Uganda against Rwanda.

I request you to convene an urgent meeting of the Security Council to consider the necessary measures to end this aggression.

I should be grateful if you would have this dossier circulated as a document of the Security Council.

(Signed) Jean-Damascène BIZIMANA
Ambassador
Permanent Representative of Rwanda
to the United Nations

Annex

Letter dated 21 April 1994 from the Minister for Foreign Affairs and Cooperation of Rwanda addressed to the President of the Security Council

Regarding the war situation currently existing in Rwanda, I have the honour to transmit to you the dossier on the complaint of the Rwandese Republic against the aggression which the Republic of Uganda has been committing against Rwanda since 1 October 1990, using the Rwandese Patriotic Front (RPF) as a cover.

The elements of the accusation are contained in the annexed document. They could, if necessary, be supplemented at a later stage.

The Government of Rwanda requests the Security Council, pursuant to Articles 35 and 51 of the Charter of the United Nations, to take all necessary measures, including those provided for in Chapter VII of the Charter, to terminate the aggression which is the origin of the Rwandese tragedy and constitutes a serious threat to peace and security throughout the subregion.

To that end, the Government of Rwanda requests the Security Council to:

(a) Denounce and condemn the aggression against the Rwandese Republic committed by Uganda since 1 October 1990;

(b) Order Uganda to end that aggression permanently, in particular by refraining from providing RPF with troops, weapons and ammunition and withdrawing those already in Rwanda;

(c) Impose a military embargo on Uganda to deter it from fomenting subversion in the region;

(d) Increase the logistic and human resources of UNOMUR so that it may perform its functions more effectively.

The Government of Rwanda stands ready to provide any necessary clarification that may be requested by the Security Council, but wishes this question to be considered as a matter of urgency.

(Signed) Jérome BICAMUMPAKA
Minister for Foreign Affairs
and Cooperation

Attachment

[Original: English/French]

INTRODUCTION

Since 1 October 1990, Rwanda has been the victim of aggression committed by heavily armed troops proceeding from Uganda.

The first attack, launched on 1 October 1990 against the Kagitumba frontier post in the Mutara region in north-east Rwanda, was led by a high-ranking officer of the Ugandan regular army, Major-General Fred Rwigema, who had fought beside Museveni when the latter was operating underground before seizing power in Kampala in 1986.

A number of other officers, as well as thousands of soldiers who the Chief of State of Uganda, President Museveni himself, has acknowledged were deserters from his army, thus invaded Rwanda.

Claiming to be fighting for the so-called "Rwandese Patriotic Front - Inkotanyi", these aggressors immediately came face to face with the Rwandese armed forces which, after heavy fighting, expelled them from Rwandese territory on 30 October 1990. The attackers who escaped withdrew to Uganda.

From November 1990 to February 1993, these aggressors carried out guerrilla activities against Rwanda, always using Ugandan territory as the base from which they departed and to which they withdrew. In February 1993, the aggressors, with massive support from the Ugandan army, were able to conquer and retain a narrow strip of territory along the Rwanda-Uganda border.

Alerted by the Government of Rwanda, the countries of the subregion and the Organization of African Unity (OAU) sought to achieve a peaceful settlement of this conflict.

For that purpose, a military observer group, composed of contingents from Burundi, Uganda and Zaire under the supervision of OAU, was established to observe and supervise the application of the cease-fire concluded between the parties to the conflict at N'Sele, Zaire, on 29 March 1991.

Despite the presence of this military observer group, Rwanda continued to be the victim of attacks carried out by the Inkotanyi from Ugandan territory.

The first military observer group proved ineffective because it included Uganda, which is playing an active part in the conflict, as well as neighbouring countries facing the same socio-ethnic problems as Rwanda.

The first military observer group was replaced by a second, which consisted of non-neighbouring African countries but retained the two belligerents as observers. This second group was no more successful than the first, mainly because it lacked the resources needed to ensure observance of the cease-fire.

OAU was thus compelled to have recourse to the United Nations, which established the United Nations Assistance Mission for Rwanda (UNAMIR), following the conclusion of the peace agreements signed at Arusha, United Republic of Tanzania, on 4 August 1993. However, UNAMIR was unable to ensure observance of the agreements because RPF, with massive support from Uganda, began a general war against Rwanda on 6 April 1994 after the assassination of the Head of State, H.E. Major-General Juvénal Habyarimana.

II. INVOLVEMENT OF UGANDA IN THE AGGRESSION AGAINST RWANDA

The involvement of Uganda in the aggression which has been committed against Rwanda since 1 October 1990 is demonstrated by a number of obvious facts. It is revealed by the behaviour of the highest Ugandan authorities just before the invasion of Rwanda and by the statements made by them after the outbreak of hostilities.

The connivance between Uganda and the Inkotanyi is likewise confirmed by the testimony of many Inkotanyi who have surrendered to the Rwandese armed forces and the statements of certain members of the Executive Committee of RPF.

Furthermore, testimony by Ugandan citizens and eminent persons from other countries likewise attests to the collusion between Uganda and the Inkotanyi in the aggression against Rwanda.

A. A number of obvious facts confirm the aggression by Uganda against Rwanda

The invasion of Rwanda on 1 October 1990 by heavily armed troops of the Ugandan regular army is an established fact and has never been denied by the Government of Uganda, which has confined itself to stating that the troops concerned were deserters. However, documents found on the dead demonstrate that they were, on the contrary, on official mission (see attached official report*).

Since then, the RPF fighters have received assistance from the Ugandan army in the form of troops, military matériel and food supplies. No one has any illusions about the origin of the weapons used by RPF which, at the outset, drew largely on the arsenal of the Ugandan regular army.

A number of weapons which are used by the Ugandan army but not by the Rwandese army have been seized in Rwanda.

During one of the deadly offensives launched by RPF in violation of the cease-fire agreements, the Rwandese army seized in Rwanda a Ugandan truck which was transporting troops and ammunition from Uganda to the battlefield. Papers seized on that occasion confirm the official participation of Uganda in the war.

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* This report can be consulted in room S-3520.

This vehicle, a Mercedes-Benz registered in Uganda with licence plate UWT 868, was seized in Kidaho commune, in the Ruhengeri prefecture in north-west Rwanda.

The vehicle was on a special mission, as confirmed by the mission order issued at Kampala by Colonel Benon Tumukunde, commander of Military Police in the Ugandan regular army. It was part of a fleet of vehicles which were supplying RPF with men and military matériel in Uganda and in Rwandese territory, as shown by the vehicle's logbook.

The vehicle had supplied a number of Rwandese localities situated in Ruhengeri and Byumba prefectures.

It was seized at the precise moment when war was raging in Ruhengeri prefecture. There is thus no doubt that Uganda is participating in the aggression against Rwanda.

Moreover, it would be naive to believe that a foreign force of more than 10,000 men could remain on the border of a country and combat a neighbouring country for about four years without the complaisance or complicity of the former country.

The political headquarters of RPF is still located in Kampala, while the military headquarters is located in Mulindi, a village situated in Rwanda near the Ugandan border.

Many RPF political leaders live in Kampala. Some are high officials who are paid by the Ugandan Government and carry travel documents issued by that Government.

The families of RPF officers who are fighting in Rwanda or have been killed in battle receive assistance from the Government of Uganda, which also provides them with housing.

There are also disturbing facts which attest to Uganda's participation in the aggression against Rwanda. It appears that each demobilization in Uganda is accompanied by a large-scale offensive by RPF fighters. This coordination implies close collaboration between the RPF Inkotanyi and the Ugandan regular army. This is not surprising, because a number of high-ranking officers of that army belong to the Rwandan diaspora, which is the source of RPF's power. The names of some of these officers are given below:

President, Minister of Defence Commander-in-Chief of Armed Forces Chairman of National Executive Council	Y. K. Museveni
Permanent Secretary, Defence	Bon Mbonye
Army Commander	Mugisha Muntu
Army Chief of Staff	Elly Tumwine
Army Chief of Personnel and Administration	Jean Mateka

Chief of Intelligence Services	Jim Muhwezi
Director of Military Intelligence	Major Byemaro
Director of Intelligence	Patrick Karejeya
Chief of Combatant Operations	Brig. Joram Mugume
Commander of Resistance Forces	M. Gen. Salim Saleh
3rd Division Commander	Brig. Shef Ali
1st Division Commander	Lt. Col. Muhunguzi
4th Division O.P.	Lt. Col. Jackson Bell
Director of Combatant Logistics	Lt. Col. Jet
Commander of Military Police	Lt. Col. Benon Tumukunde
Dept. Director of Military Equipment	Major Dick Bugingo
Mobile Police Commander	Major Habyaliamana
Inspector General of Government	A. Ruzindana
Permanent Secretary, Justice	Pierre Kabatsi
Permanent Secretary, Local Government	F. K. Gasasira
District Commissioner, Kampala	Karasanyi

Lastly, there are reasons to doubt whether RPF, with its 10,000 troops, could control unassisted a front of more than 500 kilometres stretching from Ruhengeri to Bugesera via Byumba and Kibungo and then besiege Kigali, the capital. Thus, there is no doubt that the 40,000 soldiers demobilized from the Ugandan army in March-April 1994 were sent to the Rwanda front with weapons and ammunition.

The involvement of Uganda in this war has prevented it from facilitating the work of the United Nations Observer Mission Uganda-Rwanda (UNOMUR), which could have performed its functions more successfully despite the limited resources made available to it.

With regard to the execution of UNOMUR's mandate, it should be recalled that the Secretary-General of the United Nations stressed in his report of 15 December 1993 (S/26878) that UNOMUR's activities, consisting of surveillance, patrolling and investigations, had been effective as a deterrent. He stated that clandestine cross-border traffic had decreased and that there was only restricted movement along previously well-used routes across the border.

It should be noted that this analysis, while referring to the deterrent effect achieved in the past as a result of UNOMUR's presence, likewise refers to clandestine cross-border traffic.

Instances of such traffic have increased as a result of the limitations on UNOMUR's movements imposed by Uganda.

A statement to that effect appears in paragraph 9 of the same report, according to which the civilian and military authorities in the mission area have made attempts to curtail the freedom of movement of UNOMUR patrols.

The inadequacy of UNOMUR's human and logistic resources in relation to the geographical characteristics of the mission area, particularly the vast bamboo forest commonly known as Echuya forest which facilitates infiltration, and the organized efforts to impede UNOMUR's activities, constitute sufficient evidence that Uganda is doing all it can to pursue its aggression against Rwanda.

B. Emplacement of RPF fighters on both sides of the Rwanda-Uganda border since 1 October 1990

During a long period, from 3 November 1990 to 28 December 1993, RPF fighters operated on both sides of the Rwanda-Uganda border.

Their presence, which was never denounced by Uganda, demonstrates the latter's flagrant involvement in the conflict.

1. Period from 1 to 30 October 1990

On 1 October 1990, when no one expected Rwanda to be attacked from Ugandan territory, troops in uniforms of the Ugandan regular army arrived in Kagitumba and crossed the border, firing their weapons.

This was the beginning of the war imposed on Rwanda by the Inkotanyi aggressors, most of whom are in fact former Rwandese refugees who had become soldiers of the Ugandan regular army and were subsequently described as deserters by President Museveni.

On 1 October 1990, vehicles of the Ugandan regular army continued throughout the day to unload troops and military matériel, including sophisticated heavy weapons as well as food supplies.

General Rwigema, commander of Inkotanyi, arrived the same day in the afternoon.

The fighting between the aggressors and the Rwandese army began on 2 October 1990. In the first clash with the Rwandese armed forces, General Rwigema was killed at Matimba, about 3 kilometres from Kagitumba (on the border).

The fighting continued throughout October 1990. The attackers were estimated to number more than 10,000 men. President Museveni himself acknowledged that the aggressors included 4,000 soldiers who were deserters from the Ugandan regular army, reinforced by Rwandese refugees arriving from other countries via Uganda (interview with Museveni broadcast by the British Broadcasting Corporation in the programme "Focus on Africa", 14 May 1991).

After recovering from this surprise attack, the Rwandese army succeeded in halting the enemy and expelled them from Rwandese territory on 30 October 1990.

2. Period from 3 November 1990 to 29 March 1991

Following the overwhelming victory of the Rwandese armed forces on 30 October 1990, the aggressors withdrew to regroup in Uganda, from whence they had launched their attack. They resumed their attacks on 3 November 1990, but this time were unable to penetrate into the interior of Rwanda. From that date until 28 March 1991, the day before the signing of the N'Sele cease-fire agreement on 29 March 1991, the enemy launched more than 130 armed attacks on Rwanda in the Uganda border area, each time being confronted by the vigilance of the Rwandese armed forces.

These attacks were directed in particular against the following places: Gatuna, Kaniga, Kivuye, Kiyombe, Mukono, Buhita, Rubaya, Tagagwe, Rwempasha, Kizinza and Kaborogota in Byumba prefecture and Butara, Nkumba and Knigi in Ruhengeri prefecture. All the places attacked are situated on the Rwanda-Uganda border.

It should be noted that the attacks on these places was often preceded by a massive deployment of regular troops of the Ugandan regular army on the Uganda side of the border. This was the case at Kafunjo, Rwene, Karujanga, Kamuganguzi and Kisoro in Uganda shortly before the attacks on Kiyombe, Kaniga, Kivuye, Gatuna and Butaro in Rwanda.

3. Developments since the signing of the cease-fire agreement

The N'Sele cease-fire agreement was, needless to say, not respected by RPF, which was desperately trying to conquer a plot of land or establish itself in Rwanda before entering into political negotiations. The Rwandese armed forces, however, valiantly defended the integrity of the national territory. The aggressors continued to launch their attacks from Uganda, as confirmed by journalists and diplomats who visited the border area.

In this connection, here is an account given on 3 April 1991 on BBC-Africa by Mr. Alan Reck, editor of the British monthly New Africa, who had just returned from Rwanda:

> "There are always some incidents in the border areas but they are having less and less of an effect. The RPF groups which enter from Uganda are much smaller. They are not well-trained troops. Rather, they are members of Ugandan regular army or sometimes they are students or even traders or schoolchildren who are not very well armed, have no food and no means of entering Rwanda. The Rwandese army is now very familiar with the route they take in order to cross the border. It is almost always at the same spots. When they try to cross the borders, they are always very quickly repelled."

Announcer: "Does this mean that Rwandese territory is now completely controlled by government troops and that RPF no longer controls any part of Rwandese territory?"

Alan Reck: "No. None of it. We travelled everywhere, in every corner, all along the border with Uganda and also to the south and in Akagery Park. There was no danger. As a civilian, I could go all the way to the border on foot".

As regards the diplomats, the Ambassador of Belgium in Kigali, H.E. Mr. Johan Swinnen, made the following statement after visiting the Rwanda-Uganda border area:

"We have taken note, here at Gatuna and also at Kaniga, of the efforts made by the military authorities to ensure the protection and security of the national borders and the Rwandese people, who are the victims of an attack launched from abroad."

Following a visit to the same area on 28 December 1990, the Ambassador of France, H.E. Mr. Georges Martres, stated:

"The area is very mountainous and hard to reach from all directions, and it is quite understandable that in so far as the attackers have the possibility of withdrawing and regrouping in Ugandan territory they can choose their points of attack."

To sum up, it must be concluded that during this period:

(a) The RPF-Inkotanyi attacks have always taken place along the Rwanda-Uganda border. That has been confirmed by Mr. Kagame, Commander-in-Chief of the Inkotanyi aggressors, who has stated:

"Being operational along the border is a tactical consideration; the terrain deep inside Rwanda is not favourable. It is heavily populated and there is little cover" (see New Vision No. 78 of 3 April 1991).

(b) It is clear from all the foregoing that RPF has always attacked the Rwandese border areas from Uganda. It could not carry out such harassment along the border without bases in the rear, without supplies of weapons, ammunition, food and other logistic matériel and without recruiting new troops to replace those killed in battle. The complicity with the Ugandan authorities and the Ugandan army is therefore blatant.

4. Period from 29 March 1991 to 4 August 1993

This period was characterized mainly by flagrant violations of the cease-fire agreement of 29 March 1991 by RPF, which still hoped to acquire territories on Rwandese soil before the political negotiations began. Thus, with the assistance of Uganda, large-scale offensives were staged in April 1992. This time, RPF was able to acquire a narrow strip of territory along the Rwanda-Uganda border.

The Arusha negotiations, which began on 10 July 1992, led to the conclusion of another cease-fire agreement on 12 July 1992.

This cease-fire, however, was in turn soon violated by RPF, which was still fiercely determined to seize power by force. A deadly offensive was launched on 8 February 1993. It gave rise to selective massacres of around 150,000 innocent civilians of the Hutu ethnic group. More than 1 million people were forced to leave their property.

5. Period from 4 August 1993 to the present

The Arusha peace agreements, which were to form the basis for a lasting peace in Rwanda and national reconciliation through power-sharing and integration of the two warring armies, were signed on 4 August 1993.

RPF blocked the establishment of transitional institutions, preferring to resume the war after its assassination of the President of the Rwandese Republic, Major-General Juvénal Habyarimana, and the Chief of Staff of the Rwandese Army on 6 April 1994.

Since then, RPF, in its determination to seize power by force with Uganda's unconditional support, has declared the Arusha agreement null and void and rejects any cease-fire and all dialogue.

Since 6 April 1994, the aggressors have dislodged our army from some of its positions through massive infiltrations. They have spread out along a line more than 500 kilometres long and are laying siege to the capital. It is inconceivable that RPF, with some 10,000 hastily recruited hence, poorly trained men from among the Tutsi civilians could wage such a large-scale war on its own. It should be noted in this connection, that, as is its wont before a major offensive against Rwanda, Uganda demobilized 40,000 soldiers. They were immediately dispatched to the battlefield in Rwanda to help RPF take Kigali by force.

C. President Museveni's policy towards Rwanda prior to 1 October 1990

From the moment he took office in 1986, President Museveni lost no time in revealing his political strategy towards Rwanda, a strategy based mainly on the invasion of Rwanda by persons of Rwandese origin recruited into the Ugandan regular army.

Uganda stepped up its political pressure on Rwanda while Ugandan officers continued to recruit from among the Rwandese community. The infrastructure of the Ugandan regular army was used to train them.

When it learned of these preparations for war, the Government of Rwanda requested the Ugandan authorities to end them. President Yoweri Museveni, however, denied everything concerning the preparations.

All his speeches in that regard were reassuring.

Thus, on a visit to Rwanda in October 1986, only six months after taking office in Kampala, President Museveni said:

> "Recently there have been a lot of rumours circulated by people who are ignorant politically that the refugees of Rwanda in Uganda will use Uganda as a base to come and attack Rwanda. This is not possible and it will not happen and I'd like to assure all the people here that it will not happen at all."

In all further meetings with his Rwandese counterpart, President Museveni's assertions were consistent. He personally stated during the press conference he gave on 6 October 1990 in Brussels: "I have met with President Habyarimana three times, in Nyagatare, in Mweya and in Kampala. In Kampala, I again reassured the Rwandese President that it was impossible for Rwandese refugees to cross the Rwandese border from Uganda."

During the Gbadolite Summit (25 May 1990) and the Kampala Summit (11 September 1990) among President Mobutu, President Habyarimana and President Museveni, President Museveni pledged to his Zairian and Rwandese counterparts that he would ban subversive acts in his territory directed against the two countries and would guarantee the security of their common borders.

Obviously, these assurances by President Museveni were merely intended to lull the Rwandese people into a false sense of security at a time when their future aggressors were preparing their expedition out of Uganda, using the infrastructure made available to them by the Ugandan regular army.

Many of the officers commanding the invading troops occupied or still occupy high positions in the Ugandan army. Thus, Major-General Fred Rwigema, who led the invasion of 1 October 1990 against Rwanda had been, successively, Deputy Commander of that army and Deputy Minister of Defence.

Major Paul Kagame, for his part, was Deputy Director of Military Intelligence Services, while Major Bunyenyezi was Commander of a brigade of the Ugandan regular army in the eastern part of the country. As for Major Bayingana, he was in charge of the medical services of the regular army.

Many of the others listed above still occupy strategic positions within the Ugandan army.

Given these strong ties of friendship and power-sharing within the High Command of the Ugandan regular army, there is no doubt that President Museveni knew about the machiavellian plans of his protégés.

President Museveni continued to play his dishonest game until the last minute. On 24 September 1990, only five days before the invasion, he assured the President of the Rwandese Republic that no one would use Ugandan territory as a base from which to attack Rwanda.

D. Ambiguous attitude and complicity of President Museveni after the outbreak of the war

As soon as hostilities broke out, President Habyarimana met President Museveni in New York and Washington, where they both happened to be at the time.

The Ugandan President promised the Rwandese President that he would help him settle the conflict.

This promise to help Rwanda was but another deception, for President Museveni later stated at his press conference in Brussels on 6 October 1990 that "if they [the Rwandese refugees] wish to return to their country, we cannot stop them," whereas, up until the eve of the invasion, he had asserted that Rwandese refugees could not use Uganda as a base from which to attack their country.

In another statement, he even disclosed that he was perfectly aware of their intentions but would do nothing about it. Indeed, on 16 October 1990, he told some diplomats accredited to Kampala (from Burundi, Kenya, Rwanda, the United Republic of Tanzania, Zaire, France, the United Kingdom, Italy, the Federal Republic of Germany, the United States of America and the European Community) that "after all, how do you arrest people because they are discussing going back to their country". Earlier, during a press conference he had given on 10 October 1990, on his return from a mission abroad which had been curiously extended even though, on 1 October 1990, a war had been started from his territory against a neighbouring and "friendly" country, he had said that he was not prepared to "allow Uganda to serve as a prison for people who wish to return home".

It is perfectly clear that not only was President Museveni aware of the preparations for the armed "return" of the refugees turned Ugandan soldiers but also that he did nothing to dissuade them or stop them.

On the contrary, he approved of their undertaking and was determined to encourage and support it, particularly as he believed that the Ugandans were of one mind on the question of the return of Rwandese refugees: "... if there is one issue on which opinion in Uganda is unanimous, it is the view that the Banyarwanda should go back to their country" (cf. meeting of 16 October 1990 with a number of diplomats accredited to Kampala).

Thus according to President Museveni, all Ugandans hailed the refugees' (armed) departure. For this reason, he noted, Ugandan soldiers did not wish to prevent the Banyarwanda from returning home.

In fact, not only did the Ugandan soldiers not oppose the invasion of Rwanda, they also aided and abetted this aggression for, according to Mr. Ateker Ajalu, Minister of State in the President's Office in charge of Special Affairs, "the Ugandans are very lucky that the Rwandese refugees aimed their guns at Rwanda and not at the Ugandan Government" (see statement made on 13 November 1990 to the authorities of the Soroti district, cf. New Vision of 14 November 1990).

The Ugandan authorities thus hoped that the Banyarwanda - even though most of them were soldiers in the Ugandan regular army - would leave their territory and enter Rwanda by whatever means necessary.

For this reason, they did not hesitate to supply them with arms and ammunition and logistical aid. Reinforcements consisting of men of Ugandan origin were even sent to Rwanda from the time the war began.

The Weekly Topic No. 41, published on 19 October 1990 in Kampala, which provided extensive coverage of the invasion, referred, inter alia, to soldiers of Ugandan origin who had participated in the invasion of Rwanda.

Moreover, a number of Ugandan soldiers lost their documents and their lives on the battlefield (see Official Report, pp. 60-69).

At first, President Museveni invoked more than 30 years' forced exile to justify the invasion of Rwanda.

In the context of international relations, there can be no justification for aggression. Nor can the refugee issue justify this aggression, for the Ugandan authorities themselves recognize that the Rwanda-Uganda talks were on the verge of success.

President Museveni himself acknowledged that: "... so when we heard they had started discussing, that's when this problem occurred" (press conference of 8 February 1991).

The statement made on 3 October 1990 to the Ugandan Parliament by the First Deputy Prime Minister, Mr. Kategaya, is rather explicit on the progress of the discussions: "I would like to repeat the position of the Movement and Government that all along we have been working with the Rwandese Government to find a political solution to the huge population of Rwandese refugees who have stayed in this country for over 30 years. The last meeting, which was held in Kigali from 27 to 31 July 1990, had come up with promising ways of solving this long outstanding political problem."

And yet, despite this statement, which is an accurate reflection of the situation, President Museveni claimed, in all his statements, particularly those of 6 October 1990 in Entebbe, 16 October 1990 in Kampala and 8 February 1991 in Entebbe, that Rwanda had done nothing to settle the question of Rwandese refugees.

When, on 19 October 1990, Rwanda did agree to receive, with the assistance of the international community, all refugees who chose to return, President Museveni changed his tune.

As far as he was concerned, returning was not enough.

In particular, he told the European Parliament on 13 March 1991 that the problem was no longer one of refugees but rather of "power-sharing and other issues ...".

It thus becomes clear that he was perfectly aware of the real designs of the aggressors, whom he fully supported.

Moreover, he had the secret conviction that the RPF aggressors would rapidly take over in Kigali with Uganda's assistance.

Thus, he did not hesitate to declare his "men" invincible: "I doubt very much that the troops that are there can defeat the rebel force by force. Some of them are our best people" (press conference of 10 October 1990).

And even if they were defeated, he said, there were still hundreds of thousands of Rwandese refugees, some of whom were still in the Ugandan regular army, particularly in northern Uganda, who had not had time to join the others. This threat, moreover, was carried out, for on 11 November 1990 he expelled many former refugees who were still in the ranks of the Ugandan regular army, who quickly joined the Inkotanyi aggressors. In fact, no sooner did they leave the camps than military or civilian trucks were waiting to drive them directly to the front on the Rwanda-Uganda border, where fresh weapons and all other matériel were distributed to them, according to prisoners captured by the Rwandese army.

In conclusion, the attitude of the Ugandan authorities, especially President Museveni, to the aggression that Rwanda has been facing since 1 October 1990 and the subsequent statements made on that subject prove clearly that Uganda has been collaborating with the Inkotanyi and helping them in their aggression. This conclusion is corroborated by testimony from various sources and the findings of countries or bodies outside the subregion.

E. Statements by members of the RPF Executive Committee on the complicity of Uganda with the Inkotanyi

Some members of the Executive Committee of the RPF have confirmed Uganda's close collaboration with the Inkotanyi aggressors.

Thus, Mr. Shyirambere Jean Barahinyura, member of the RPF Executive Committee and former Chairman of the Committee on Information and Research, asserted the following in his statement of 17 May 1991:

> "It is a fact that since 1 October 1990 the war against Rwanda has been conducted from and has been supported by, Uganda. It should be stressed at this point that the RPF army is composed of Rwandese (who are soldiers of the Ugandan regular army) and soldiers of the Ugandan regular army including Major-General Salim Saleh, younger brother of Ugandan President Yoweri Museveni. They launch their attacks from Uganda and withdraw there when they are repulsed by the Rwandese army. RPF should therefore not claim to have fixed positions in Rwanda itself. Likewise, President Museveni is lying when he states that the outbreak of war caught him by surprise. He not only knew about it but also planned it meticulously with his friend Fred Rwigema and the assistance of high-ranking officers of the Ugandan regular army. Moreover, President Museveni continues to provide active support to the RPF - Inkotanyi army in the form

of refuge, weapons, ammunition, logistical support and men. The Ugandan regular army has been actively involved in many raids on Rwanda, especially since the 30 October 1990 defeat of the Inkotanyi at Mutara. Since the Inkotanyi have lost many men - contrary to what RPF claims in its reports addressed to me, they were decimated at Mutara - they need reinforcements from the Ugandan regular army and have been massively recruiting elsewhere."

The RPF Chairman, Mr. Alexis Kanuyarengwe, admitted in his letter to the Secretary-General of the United Nations dated 16 April 1993 concerning the establishment of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) that his organization depended on Uganda for everything.

The RPF Chairman wrote that: "RPF cannot therefore accept the request for such a force because it is done in bad faith. The request for an Intervention Force and a border monitoring and supervision force is a clear attempt by said Governments to militarily neutralize RPF by cutting off its supplies."

RPF clearly acknowledges here that its military supplies come from Uganda. That is why it has been categorically opposed to the effective monitoring of the Rwanda-Uganda border.

F. Statements of Inkotanyi who surrendered to the Rwandese armed forces

A number of combatants who surrendered to the Rwandese armed forces have stressed the active involvement of Uganda in the armed aggression perpetrated against Rwanda.

That is the case in particular of Sergeant James Kayitana, Lieutenant Canisius Buhinja and Sergeant James Nkusi.

Sergeant Kayitana declared that the weapons, vehicles and other logistical means used by the combatants of RPF - Inkotanyi were provided by the Ugandan Government, which also puts training camps at their disposal.

He asserted that it is President Museveni who is behind the war being waged against Rwanda. The following is an extract from his statement on this subject:

> "I'm making a call to President Museveni of Uganda because he is the engineer of this war, he is the one providing weapons, he is the one confusing the Rwandese and Ugandans who are there (in Uganda), he is the one creating all such things ... that he should stop doing so."

For his part, Lieutenant Buhinja explained how in the military camp of the Ugandan regular army where he was, his superior officers had authorized him and other soldiers to get into trucks of that army which took them to Kagitumba (a Rwandese border post) where they were disembarked so as to proceed to the front in Rwanda.

Sergeant Nkusi stated that the plan to attack Rwanda had been prepared at least five years before the fighting actually began. He noted that to that end, soldiers of the Ugandan regular army had been transferred to RPF and that all the weapons used by the RPF combatants were supplied by the Ugandan regular army. He said that that army operated in close collaboration with RPF combatants.

G. Accounts of Ugandan citizens

Many honest Ugandan citizens acknowledge the involvement of President Museveni and his Government in the war that RPF has been waging against Rwanda and in the tragedy resulting from such involvement. Thus, the non-governmental organization, Uganda Democratic Coalition Inc. (UDC) has consistently denounced in many of its publications the involvement of President Museveni in the Rwandese conflict. In its bulletin of 12 April 1994, UDC declared among other things that: "President Museveni is the main conduit of RPF's agenda in Rwanda" and that "Funds have flowed to Museveni as foreign aid and loans and have then been diverted to financing not only RPF but also other guerilla groups camped in Uganda against other neighbouring nations".

No statement could be clearer about the financing of the war by Uganda. It would be useful to pursue the investigations a step further by meticulously examining Uganda's arms purchases and acquisitions since the beginning of the invasion of Rwanda.

H. Confirmation by third parties of Uganda's complicity with the aggressors

Uganda's connivance in the aggression against Rwanda has been clearly established by third parties who are not from the subregion and are not directly involved in the conflict. Their accounts are therefore above suspicion and are merely objective observations and analyses of the situation. We will cite but a few of the many observations made.

On 10 October 1990, the Christian Democratic International published a fairly relevant communiqué. Point 2 of the communiqué stated the following: "Takes note of the statements made at Brussels by President Yoweri Museveni (during his press conference of 6 October 1990) whereby Uganda denies any responsibility for this attack. Requests none the less that an investigation should be undertaken to establish how the invaders, some of whom were superior officers of the Ugandan army just a few days before, were able to secure the weapons, ammunition, means of transport and means of communication that they used."

The Christian Democratic International clearly did not believe that Uganda and its leaders were innocent parties in the aggression. But its concern for objectivity found no support, since the Ugandan Government - with good reason - declined to conduct an inquiry which might have established responsibility in the matter.

Subsequently, following the mission which it dispatched to the region, the European Parliament also reported the involvement of Uganda in the war imposed on Rwanda. In fact, operative paragraph 3 of its resolution of 14 March 1991 specifically requested the Ugandan authorities to guarantee the cease-fire and to prevent the launching from its territory of armed actions (against Rwanda).

Nor has the United States been deceived by the false denials by the Ugandan authorities of their connivance with the aggressors. In that connection, Mr. Herman Cohen, Assistant Secretary of State for African Affairs in the State Department, declared at Bujumbura on 17 April 1991 that the United States rejected any use of force to settle the problems of refugees and urged all Governments in the region to prevent any use of their territory for military actions against their neighbours. To anyone familiar with the origin of the invasion, it is easy to see that the appeal was addressed to Uganda.

The secret services of the United States, Belgium and France possess conclusive evidence of Uganda's involvement in the conflict.

According to the newspaper Le Monde of 17 February 1993, French security services have uncontrovertible evidence of Uganda's involvement in the war in Rwanda. In that regard, Le Canard Enchîné reported on 17 February 1993 as follows: "French military personnel have intercepted radio communications from Ugandan forces. These invaders installed long-range batteries along the border which they then crossed to take up rearguard positions behind the RPF rebels, whom they supply with artillery."

Furthermore, the report of the French observation mission which was commissioned in 1992 by the Governments of Rwanda and Uganda could provide certain indications as to Uganda's role in the Rwandese conflict.

Mention must be made, lastly, of the position of the Danish Baptist ministers who openly accuse Uganda of aiding RPF in its conflict with Rwanda. According to the news magazine Afrique Express No. 46 of 5 March 1994, "Several Danish Baptists repatriated from Rwanda have accused Uganda of providing training and financial support to the RPF rebels, comprised of the Tutsi minority and have requested Denmark to review its aid programme to that country". Mr. Olav Anhoej, the headmaster of a high school in Rwanda had this to say: "Since it is known that the Rwandese population has been attacked and invaded by troops from Uganda, the Danish Government must be careful about the regimes which it supports."

III. THE LEGAL VIEWPOINT

The actions, statements, testimony and comments reported above amply prove the active role played by the Government of Uganda in the war imposed on Rwanda since 1 October 1990.

Such participation on the part of Uganda would appear to constitute an act of aggression as defined by United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974 and a flagrant violation of the general

principles of law and of the international conventions governing relations between States.

A. Uganda has committed aggression against Rwanda as defined by United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974

Article 1 defines aggression as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations ...".

Article 3 lists a number of acts deemed to qualify as acts of aggression. Paragraph (g) thereof is very pertinent since it includes among these actions "The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State ... or its substantial involvement therein".

Article 5 states that:

"1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.

3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful."

The inescapable conclusion is that on the basis of the aforementioned article 3 (g), Uganda must be deemed to be an aggressor against Rwanda and, in conformity with article 5, it should be held to be the perpetrator of a crime against international peace and to bear the international responsibility arising therefrom.

B. Uganda is violating the fundamental principles of international law

Within its own territory, each State exercises to the fullest extent it functions of sovereignty, one of which is the monopoly of constraint. Consequently, any other armed presence lacking its consent constitutes a violation of its sovereignty. But Uganda has never complained of the armed presence of the Inyenzi, known as the Inkotanyi. The conclusion therefore is that it has consented to that presence. So far this is within the domestic jurisdiction of the Ugandan State, which can do as it pleases with its own territory, provided that its actions do not harm the legitimate interests of other States.

However, as international judicial authorities have consistently reiterated, a State not only does not have the right to organize enterprises

directed against the rights of other States, but also it may neither tolerate nor ignore such enterprises.

Even before it established its definition of aggression, the United Nations General Assembly had on numerous occasions ruled on the matter. Its resolution 375 (IV), for example, provides: "Every State has the duty to refrain from fomenting civil strife in the territory of another State, and to prevent the organization within its territory of activities calculated to foment such civil strife".

The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States (1970) states:

> "Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State ..." (General Assembly resolution 2625 (XXV).

Uganda, whence attacks by the armed forces against Rwanda are being organized, has failed in its obligation of vigilance, which must be observed both in peacetime and in war. This obligation is derived from the general principle of non-intervention in the domestic jurisdiction of other States, as a consequence of their equality and independence - their sovereignty, in a word. This principle of non-interference, now being violated by Uganda, is embodied in the Charter of the United Nations and the Charter of the Organization of African Unity, to which Uganda has, nevertheless, acceded.

Clearly, by unleashing on Rwanda bands called "Inkotanyi", which it trained and armed, Uganda, as stated above, has committed aggression against Rwanda, against which Rwanda is justified in exercising its right to self-defence.

C. Uganda is violating international conventions and agreements for the maintenance of international peace and security

1. The Charter of the United Nations

In the preamble of this Charter, the peoples of the United Nations declare themselves determined in particular "to live together in peace with one another as good neighbours". Article 1, in turn, states that one of the purposes of the United Nations is to maintain international peace and security. Paragraph 2 provides that another is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

Uganda is a Member of the United Nations. It is therefore to be expected that it will respect the principles on which that Organization was based. However, its behaviour towards Rwanda shows clearly that it is trampling on the spirit and the letter of those principles and is creating a situation that, in the terms of Article 39 of the Charter, constitutes "a breach of the peace and an act of aggression".

It is clear that the hegemonic aims of President Museveni also constitute a grave threat to peace in the subregion. His determination to establish or consolidate the power of ethnic minorities in the countries of the region, taking Rwanda and his own country as starting-points, will fan the flames of inter-ethnic disputes and violence not only in Rwanda but also in Uganda, in Burundi and even in Zaire.

On the basis of Articles 39 and 51 of the Charter, Rwanda has not only the right but also the duty to draw the attention of the international community to this situation.

2. The Charter of the Organization of African Unity

In its second paragraph, the preamble to the OAU Charter recalls that "it is the inalienable right of all people to control their own destiny". Uganda, which, incidentally, is a co-signer of this Charter, thus has no right to be the co-perpetrator of subversive actions intended to overthrow the Rwandese political regime. Rather, it has a duty, as the fifth paragraph of that preamble puts it, to attempt "to promote understanding among our peoples and cooperation among our States" and to comply with the requirement spelled out in the sixth paragraph that "conditions for peace and security must be established and maintained".

Uganda has also undermined some of the principles solemnly affirmed by member States, such as non-interference in the internal affairs of States (subparagraph 2), respect for the sovereignty and territorial integrity of each State and its inalienable right to independent existence (subparagraph 3), and the "unreserved condemnation (...) of political assassination as well as subversive activities on the part of neighboring States ..." (subparagraph 5).

Lastly, the provisions of article VI have not been spared by Uganda, for, as a member of OAU, it made a commitment to "observe scrupulously the principles enumerated in Article III of the present Charter".

3. The OAU Convention governing the specific aspects of refugee problems in Africa of 10 September 1969

President Yoweri Kaguta Museveni and other Ugandan authorities have tried to justify their support for the crimes of the Inyenzi-Inkotanyi by arguing that they were refugees receiving asylum in Uganda and that their desire to return to Rwanda legitimized their use of force as a means to that end.

First, it must be noted here that not all the persons who attacked Rwanda in complicity with the Government of Uganda are refugees. One proof comes from a statement by the President of Uganda himself, who characterized these aggressors as "deserters from its regular army". However, one cannot join the regular army of a country, and especially hold such high rank as, for example, Fred Rwigema, Major-General and Deputy Commander, then Vice-Minister of Defense, without being a national of that country.

The leaders of these aggressors therefore occupy, or were occupying at the time the aggression began, positions of responsibility in the Government of Uganda, positions that all countries reserve for their own nationals. The Government of Uganda is thus directly responsible for their actions.

Even supposing that those who have attacked Rwanda from bases in Uganda are refugees, such actions would alter their status, and Uganda would be no less responsible. We need look no further than the provisions of the international conventions on the subject and in particular to the OAU Convention governing the specific aspects of refugee problems in Africa of 10 September 1969.

Preambular paragraph 4 of the Convention states that the Heads of State and Government of States parties to the Convention are "anxious to make a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside".

Preambular paragraph 5 goes on to say that the said Heads of State and Government are "determined that the activities of such subversive elements should be discouraged".

Article III is even more explicit in its applicability to the responsibility of Uganda. Paragraph 1 of the article stipulates that a refugee shall "abstain from any subversive activities against any Member State of the OAU". Paragraph 2 states that "Signatory States undertake to prohibit refugees residing in their respective territories from attacking any Member State of the OAU, by activities likely to cause tension between Member States, and in particular by use of arms, through the press, or by radio."

All these relevant articles of the Convention of 10 September 1969 demonstrate, were there any further need, that Uganda is deliberately violating its international commitments and bears responsibility for all the acts of aggression from which Rwanda is suffering.

4. Uganda is violating the commitments it has assumed towards other countries in the subregion

In order to be convinced of this fact, we need only recall the negative attitude demonstrated by the Government of Uganda after each meeting of the Heads of State and Government of the subregion in refusing to implement the decisions reached by mutual agreement, particularly those relating to security matters.

At their meeting at Gbadolite, Zaire, on 25 May 1990, for example, the Heads of State of Zaire, Rwanda and Uganda laid particular stress on the issues of good-neighbourliness and security. The decisions reached on this subject are important, especially decisions Nos. 5 and 6.

Decision No. 5 states that the three Heads of State will ask their respective national parliaments to "enact for laws prohibiting and sanctioning subversive actions aimed at the other two States." Decision No. 6 states that

the three States agree to "promote and strengthen cooperation between the security services of the three countries."

At their meeting at Kampala, Uganda, on 11 September 1990, the same three Heads of State re-examined the issues of good-neighbourliness and security, as they had done at Gbadolite. Sections III and IV of their joint communiqué, which deal with the subject of security, reaffirm that all efforts will be made to ensure mutual security, particularly along common borders, stress the need for each country to promulgate laws prohibiting subversive acts directed against neighbouring countries and urge cooperation between their countries' respective security forces and between the administrators of border regions.

The acts of aggression perpetrated against Rwanda by Uganda and the armed bands in its pay beginning 1 October 1990, just a few weeks after the above-mentioned meetings of the three Heads of State, demonstrates unmistakeably that Uganda does not feel bound by the commitments it has undertaken.

5. Conclusions

It is evident that, by its active participation in a war of aggression against Rwanda, Uganda is systematically violating the rules of public international law and the international conventions to which it is a party. Such violations engage the responsibility of their perpetrator.

The damage, both material and moral, that the actions of Uganda have caused to Rwanda is great: loss of human life, paralysis of its economy, destruction of infrastructure in border areas, the burden of a war unjustly foisted upon it - the list could go on.

Faced with this situation Uganda has created, which has clearly undermined the peace and security of the entire subregion, Rwanda, anxious to adhere strictly to the rule of law and unshakable in its desire to promote friendly relations between States, has displayed a keen sense of responsibility and restraint. Its approaches to Uganda in this regard have not been successful, despite the interventions of the Heads of State of the region and the Organization of African Unity.

Therefore, by virtue of Articles 39 and 51 of the Charter of the United Nations, the Government of Rwanda appeals to the Security Council to:

(a) Condemn the aggression committed since 1 October 1990 against the Rwandese Republic;

(b) Denounce and condemn the involvement of Uganda in that aggression;

(c) Order Uganda to cease that aggression permanently, in particular by refraining from providing RPF with troops, weapons and ammunition and withdrawing such of its forces and weapons as are engaged in the conflict;

(d) Impose a military embargo on Uganda to deter it from fomenting subversion in the region;

(e) Increase the human and logistic resources of UNOMUR, so that it will be capable of fulfilling its mission of monitoring the Rwanda-Uganda border to prevent Uganda from supplying troops and war matériel to RPF.